

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems (ATV)) MM DOCKET NO. 87-268
and Impact on TV Broadcast Service)

To: The Honorable, the Chairman and
Members of said Commission

PETITION FOR RECONSIDERATION (PARTIAL)
OF SIXTH REPORT AND ORDER

INNOVATIVE TECHNOLOGIES, INC. (K17CT), Las Vegas, Nevada, by
counsel, respectfully requests the Commission to reconsider so
much of its Sixth Report and Order, FCC 97-115 ("Sixth R & O")
as would assign new digital channel 17 to Las Vegas, Nevada for
existing NTSC Channel 13, licensed to KTNV, Las Vegas, and in lieu
thereof assign any other DTV channel, so as to avoid wholesale dam-
age to Ch 17 LPTV operations in the southwestern Nevada,
Arizona-northern California area, starting with petitioner's K17CT at
Las Vegas, which the DTV channel 17 allocation would occasion.
As may be seen, this is a request for partial reconsideration of
the Commission's ATV (DTV) actions culminating in the allocation table
for the new DTV assignments, with focus on the Channel 17, Las
Vegas, NV item, Sixth R & O, Appx B, B-31, B-56.

1. The Commission and its staff, no less than the industry, its

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representative and licensees, individually and in groups, have labored hard and long in the digital TV undertaking, variously HDTV, Digital TV and ATV. In a Fifth Report and Order adopting rules for Digital Television and making provision for initial DTV licenses, generally, and in the Sixth R & O setting forth the allotment principles and specifying the DTV channel (licenses) which will be allotted to specific television stations, the Commission has assigned some 1,900 digital counterparts for existing NTSC channels, both operating stations and presently unoccupied allocated NTSC channels. In all that activity, however, the deleterious effect of the digital swap channel, Channel 17, for Channel 13 at Las Vegas (for KTNV), was overlooked or not sufficiently recognized as to breadth of effect. A different DTV channel should be specified for NTSC Channel 13.

2. To get to the nub of petitioner's basis of its prayer for consideration we point to the LPTV Channel 17 in the Nevada-Arizona-northeastern California area and the special terrain (shielding) factor of mountains in three directions from Las Vegas, where Innovative's K17CT operates, and which variously intervene between/ among the LPTV Channel 17 stations at Needles, California, K17BN, licensed to the Mohave (Arizona) County Board of Supervisors, K17DA, Lake Habasu, AZ, K17BR, Colorado City, AZ, K17CL, Pahrump, NV and KTSK-LP, Daggett, CA. Innovative is the licensee of the Las Vegas Channel 17 LPTV, with a construction permit, being implemented, for a new site obtained after its earlier site was lost (See BPTTL-9605160C, .998 kw, Plus Offset). The new site and the CP for changes on Channel 17 was made necessary by reason of loss of the earlier operation site. Obtaining the new authorization involved a great

amount of careful engineering and FCC LPTV Section consideration of specified offset (from "none" to "zero" to, ultimately the "plus" offset in the CP) and terrain profiles which demonstrated that interference would not occur due to the effects of the terrain, viz., the mountain ranges lying between K17CT and other LPTV Ch 17 stations. The natural terrain feature is also the location of Las Vegas Channel 13 TV station KNTV (N 35° 56' 43" W 115° 02' 33"), precisely where the Commission proposes the Digital Channel 17 site, "destroying" the natural barrier and protecting factor affecting K17CT and all the LPTV Channel 17 stations which have been located and enjoyed operation on the channel because of the mutually protective range of mountains. In one fell swoop, the natural phenomenon which premises the operation of the LPTV stations on Channel 17 in Las Vegas, Pahrump, Nevada and Mohave Valley AZ-Needles CA, Lake Havasu AZ and Daggett, CA will be removed by Digital Channel 17 at N 35° 56' 43" W 115° 02' 33", specified in the Sixth R & O, Appx B, p. B-56. Another digital channel should be specified for the digital swap for Las Vegas NTSC Channel 13.

3. We recognize that with all that has gone into the digital allocations (see Par. 1, supra and the FCC recitation in the Sixth R & O) the FCC might hesitate to consider at this stage a request for a different digital channel in the NTSC-DTV swap in a community. However, by virtue of location in the relatively uncomplicated western state(s) region with few communities and allocations, the locale of the present request suggests that there would not be the feared domino effect that a similar change might evoke in a crowded metropolitan area or in the populous eastern and northeastern corridors. Cf. Sixth R & O, Par. 141 and its FN 260 cite. A substitute

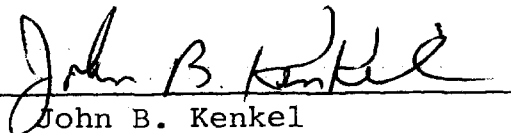
digital channel here is not burdened with any first blush "re-doing the whole digital table" possibility reaction which a request for change elsewhere might evoke. Accordingly, the petitioner urges this reconsideration and the assignment of other than DTV Channel 17 in the swap for NTSC Channel 13 at Las Vegas, Nevada.

Wherefore, the premises considered, it is requested that the Sixth Report and Order's provisions for allocating DTC Channel 17 as the digital swap channel for NTSC Channel 13 at Las Vegas, NV be reconsidered, and upon reconsideration that any other digital channel be assigned for such purpose. And, your petitioner prays for such other and further relief as the nature of its case may require.

Respectfully submitted, .

Innovative Technologies, Inc.

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June 13, 1997

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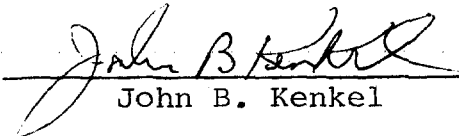
I hereby certify that a true copy of the foregoing petition was delivered (where marked *) or mailed, first class postage prepaid, to the following, on this 13th day of June 1997.

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